

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv379

JERMAL DANIELS,

Plaintiff,

v.

SUPERINTENDENT, WARDEN OF
MECKLENBURG JAIL, et. al.,

Defendants.

ORDER

THIS MATTER comes before the Court on its own motion. The Court has reviewed the docket in this case and observes that Plaintiff was directed to file a certified copy of his prisoner trust fund statement within twenty days of September 2, 2010. (Doc. No. 2). As of the date of this Order, the Court has not received the trust fund statement. However, the Court is in receipt of Plaintiff's handwritten note dated September 15, 2010, stating that "[t]he \$350.00 will be deducted and sent from Prison Account, it'll arrive as soon as the prison release the funds." (Doc. No. 3-1). The Court also notes that it is in receipt of Plaintiff's letter filed December 27, 2010, stating that he is currently having financial difficulties. (Doc. No. 4).

The Court has previously advised the Plaintiff that federal law requires him to pay a filing fee of \$350.00 and that in accordance with 28 U.S.C. § 1915, after the Court receives the Plaintiff's certified copy of his trust fund statement, the Clerk of Court will determine his ability to pay the entire amount in one payment or whether to assess monthly payments of 20 percent of the deposits made to his trust fund account. (Doc. No. 2).

Plaintiff has failed to provide the Court with his current trust fund statement or pay the filing fee in this action. Consequently, Plaintiff's case will be dismissed without prejudice to re-file a new

case with the appropriate filing fee or with a copy his trust fund statement so that the Clerk can determine his ability to pay the filing fee in one payment or monthly payments pursuant to 28 U.S.C. § 1915.

IT IS, THEREFORE, ORDERED that Plaintiff's case is **DISMISSED** without prejudice.

Signed: January 10, 2011

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

